

# A Divided Aloha State

## *The Native Hawaiian Government Reorganization Act of 2007 (The Akaka Bill)*

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The Akaka Bill (S. 310 / H.R. 505) sponsors the creation of a race-based Native Hawaiian Governing Entity (NHGE) for persons with possibly as little as one drop of Native Hawaiian blood. Because the bill provides few specifics, the NHGE would have broad unlimited power. The NHGE would be permitted to negotiate with the federal government to settle claims based in part on the federal 'Apology Resolution' which relates to the 1893 revolution in the Hawaiian Kingdom that ultimately led to statehood in 1959. The bill's supporters have conceded that ultimately, secession and independence are possibilities.

In 2007, the U.S. Commission on Civil Rights found that the bill "would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege." In October 2007 the Office of the President issued a Statement of Administration Policy strongly opposing the bill and including the above quotation from the report of the U.S. Civil Rights Commission.

Senator Barrack Obama, a former Hawaii resident and Democratic candidate for President, has pledged his support for the bill and would sign it if he becomes President. Senator John McCain, Republican candidate for President has said he is opposed to the bill.

### Current Status in the 110th Congress

- H.R. 505: Native Hawaiian Government Reorganization Act of 2007 sponsored by Rep. Neil Abercrombie (D-HI) was passed by the US House of Representatives on Oct 24, 2007 (261-153 with 99% of Democrats supporting, 20% of Republicans supporting.)
- The Senate version (S. 310) sponsored by Sen. Daniel Akaka (D-HI) could be scheduled for debate before the end of the current Session.

### Implications for Hawaii

The Akaka bill is dangerously vague. It creates a NHGE which would define its own powers and limitations, making it difficult to criticize what does not yet exist. Rather, knowing that unchecked power corrupts, we can identify the most likely areas for abuse.

- The bill does not state who would be represented by the NHGE. It might be all 400,000 Native Hawaiians in the United States, 163,000 Native Hawaiians in Hawaii or as some have theorized smaller subsets of either group, creating two classes of Native Hawaiians.
- The bill does not specify what land could be claimed, although some estimate that as much as 50% of all public lands in Hawaii could be the subject of negotiation. (Public lands total approximately 1.9 million acres or about 46% of the state.)
- The bill does not limit the amount of money the NHGE could demand from the state and federal government nor have any expiration date.
- It is unknown what laws the newly created nation could pass or how and where they might be enforced.

### What Do Hawaii Residents Think?

A vote on the bill by Hawaii residents has not materialized. A May 2006 telephone survey commissioned by The Grassroot Institute, which called every available landline phone in Hawaii (a total of **294,000** households) found:

- 70% of Hawaii residents want to vote on the Bill before it is considered by Congress.
- 67% oppose the Akaka bill.

- 78% would vote for statehood if the vote was held today.

The Office of Hawaiian Affairs conducted its own much smaller telephone poll with **380** households responding in August 2007. It found:

- 70% of respondents believed Hawaiians should be recognized by the federal government as a “distinct indigenous group...similar to the recognition given to American Indians and Alaska Natives.”
- 67% of respondents believed that Hawaiians should have a right to make decisions about their land, education, health, cultural, traditional practices and social policies.
- 51% of respondents agreed when asked if a Hawaiian governing entity should be formed to represent Hawaiians in their dealings with the state and federal governments. **34% of respondents disagreed and 16% didn't know or refused to answer. The margin of error is +-5%.**

Native Hawaiian separatists, who favor a separate Hawaiian kingdom, do not support the Akaka bill and their interests may not be represented by the NHGE.

### Implications for America

The Akaka Bill and the 1993 Apology Resolution open the door for similar legislation focusing on historic injury to the ancestors of Americans of various racial and ethnic groups. Six of 18 former slave states and territories have adopted slavery apology resolutions. A federal slavery apology bill introduced in 2007 remains stalled. African-American leaders, including those of the National Association for the Advancement of

Colored People have reportedly called for further discussions, including reparations. Success of the Akaka bill may inspire other minority groups to seek similar governing-entity solutions to damage claims normally settled by the courts or by act of Congress.

Federal legislation for an apology resolution for Native American Indians has been introduced each session since 2001. Latino nationalist groups like La Raza or Aztlan which call for a return of the US southwest may be inspired to pursue legislation and apology resolutions of their own.

The focus on our differences and the creation of a governing entity solution with no end date has the potential to divide our country in perpetuity. There is a real possibility that the addition of an additional layer of government—federal, state, governing entity and county/municipal will result in additional taxes (most likely sales or excise-type) and additional or conflicting regulatory requirements.

### Recommendations

Native Hawaiians face the same challenges faced by Americans of all ethnic backgrounds—poverty, inadequate education, and poor quality of health. Recent research shows, however, that Native Hawaiians compare favorably to other ethnic groups when adjusting for age and education. Rather than exposing the people of Hawaii to untold risks and liabilities through the Akaka bill, policymakers should implement solutions to help ALL Hawaiians. Reforms that empower individuals and families—such as lowering tax burdens and regulations, increasing school choice, and respecting private property—will enable all Hawaii's people to prosper.

### References

1. For the text of the Akaka Bill, go to [www.govtrack.us/congress/bill.xpd?bill=s110-310](http://www.govtrack.us/congress/bill.xpd?bill=s110-310)
2. The Apology Resolution, US Public Law 103-150. The full text as well as the Congressional record is available at [http://www.alohaquest.com/archive/apology\\_full.htm](http://www.alohaquest.com/archive/apology_full.htm)
3. The Briefing Report the U.S. Commission on Civil Rights can be found at <http://www.usccr.gov/pubs/060531NatHawBriefReport.pdf>. The quotation appears on page 18 in the Recommendation section.
4. The October 22, 2007 Statement of Administration Policy can be found at <http://www.angelfire.com/planet/big60/AkakaPresidentStatemntHse102207.pdf>
5. Native Hawaiian census information for the US can be found at <http://www.census.gov/prod/2001pubs/c2kbr01-14.pdf> Go to [http://factfinder.census.gov/servlet/GCTTable?\\_bm=n&\\_lang=en&mt\\_name=DEC\\_2000\\_PL\\_U\\_GCTPL\\_ST2&format=ST-2&\\_box\\_head\\_nbr=GCT-PL&ds\\_name=DEC\\_2000\\_PL\\_U&geo\\_id=04000US15](http://factfinder.census.gov/servlet/GCTTable?_bm=n&_lang=en&mt_name=DEC_2000_PL_U_GCTPL_ST2&format=ST-2&_box_head_nbr=GCT-PL&ds_name=DEC_2000_PL_U&geo_id=04000US15) for Hawaii data.
6. The Grassroot Institute poll details can be found at <http://www.grassrootinstitute.org/Sunshine%20on%20the%20Akaka%20Bill.shtml>
7. Details of the 2007 OHA survey can be found at [http://www.oha.org/index.php?option=com\\_content&task=view&id=412&Itemid=1](http://www.oha.org/index.php?option=com_content&task=view&id=412&Itemid=1)
8. See <http://stopakakabill.com/> for a Hawaiian separatist view on the Akaka Bill. See also an open letter to the President from 50% blood quantum group at <http://www.angelfire.com/hi5/bigfiles/ChiefMauiLoa040605.html>
9. Hawaiian nationalism, Chicano Nationalism, Black Nationalism, Indian Tribes, and Reparations —Akaka bill: Precedent for Balkanization of America, <http://tinyurl.com/72214>
10. Good News: Native Hawaiians Prosper, [http://www.grassrootinstitute.org/Publications/GRIH\\_Study\\_1007.pdf](http://www.grassrootinstitute.org/Publications/GRIH_Study_1007.pdf)

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